

## **GARNISHMENT GARNISHMENT OF EARNINGS**

### **REQUIRED FORMS**

1. Garnishment Instructions for Creditor (Earnings)
2. Application for Writ of Garnishment (Earnings)
3. Writ of Garnishment and Summons (Earnings)
4. Application and Order of Continuing Lien (Garnishment)
5. Instructions to Garnishee (Earnings)
6. Garnishee's Answer (Earnings)
7. First Notice to Judgment Debtor of Garnishment (Earnings)
8. Second Notice to Judgment Debtor of Garnishment (Earnings)
9. First Hearing Request and Notice of Hearing on Garnishment (Earnings)
10. Second Hearing Request and Notice of Hearing on Garnishment (Earnings)
11. Garnishee's Non-Exempt Earnings Statement (Not for Support)
12. Garnishee's Non-Exempt Earnings Statement (Support Judgment)
13. Garnishee's Non-Exempt Earnings Statement (Tax Judgment)
14. Hearing Request and Notice of Hearing on Garnishment Earnings Statement
15. Creditor's Garnishment Report (Earnings)
16. Objection, Hearing Request and Notice of Hearing (Garnishment)
17. Petition and Order to Show Cause Re: Garnishee's Default
18. Petition and Order Discharging Garnishee

# **GARNISHMENT INSTRUCTIONS FOR CREDITOR (EARNINGS)**

A.R.S. §12-1598 TO 12-1598.17

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## **FILING A GARNISHMENT**

To begin a garnishment action, you must complete the garnishment forms and file an Application for Writ of Garnishment.

### **SERVICE OF WRIT OF GARNISHMENT**

When the Writ page of the **Summons and Writ of Garnishment** is signed by the judge, you, the judgment creditor, shall serve on the garnishee two copies of the **Summons and Writ of Garnishment**, a copy of the underlying judgment, four copies of the Garnishee's Answer form, two copies each of the **Second Notice to Judgment Debtor of Garnishment** and **Second Hearing Request and Notice of Hearing on Garnishment**, two copies of the **Instructions to Garnishee**, four copies of the **Garnishee's Nonexempt Earnings Statement** and two copies of the **Hearing Request and Notice of Hearing on Garnishment Earnings Statement**.

You will pay a fee for service of these documents. **You may use a private process server or a constable from the court to serve the documents. THE COURT IS NOT RESPONSIBLE FOR ARRANGING SERVICE OF THESE FORMS.**

Within three working days after service of the above on the garnishee, you, the judgment creditor, shall deliver to the judgment debtor a copy of the Writ of Garnishment, First Notice to Judgment Debtor of Garnishment and First Hearing Request and Notice of Hearing on Garnishment. The judgment creditor shall certify in writing to the court the date and manner of delivery. You may deliver the documents personally, by first class mail or by a process server.

### **APPLYING FOR AN ORDER OF CONTINUING LIEN**

The garnishee must answer within 10 days from the date the Writ was served. You should get a copy of the Answer from the garnishee. If you don't get the Answer within 10 days, please check with the court as soon as possible. If the garnishee states that money will be withheld from judgment debtor's paycheck, you need to complete and send one copy of the Application and Order of Continuing Lien to the court and one to the garnishee. Once the judge signs the Order, a copy is then mailed to the garnishee who should begin sending the money to you.

***WARNING: If the Order of Continuing Lien is not signed within 45 days of filing the Answer, you will not get your money without filing a new garnishment action.***

### **COMPLETING THE CREDITOR'S REPORT**

You must complete and send the Creditor's Garnishment Report to the garnishee and the judgment debtor at the following times:

1. Within 21 days after the end of each calendar quarter, and
2. When the balance due is less than double the amount of nonexempt earnings received for the last two pay periods, and
3. Within 21 days after the balance is reduced to \$500 or less and then before the 10th of each month after that as long as the Order of Continuing Lien is in effect.

## RELEASING GARNISHEE

When the garnishment is paid, you need to complete and file one copy of the release of garnishment with the court. Copies of this form must be sent to the garnishee, the judgment debtor, and any other creditor who has asked to be notified.

## COMMON QUESTIONS

**1. Can I get back money I paid the constable or process server for service of the garnishee?**

Yes. There is a place on the Application for Order of Continuing Lien to record this amount. This cost is added to the total amount included in the garnishment.

**2. What happens if the garnishee doesn't answer?**

If the garnishee fails to answer within 10 days after service, you can file a Petition for an Order to Show Cause with the court. The court will then order the garnishee to appear for a hearing and state why he failed to answer. You will have to arrange for the order to be served on the garnishee. The judge may then enter judgment against the garnishee.

**3. If the judgment debtor is employed by the garnishee, will I get all the money owed to me?**

Maybe. The garnishee can't withhold wages for you if the judgment debtor's wages are already being garnished and the statutory level has been reached, or if the judgment debtor is involved with an open bankruptcy, or if the judgment debtor has completed an approved debt counseling. Otherwise, garnishee will withhold that portion of the wages that are not exempt.

**4. What happens if the judgment debtor wants a hearing?**

If the judgment debtor files a Hearing Request, a hearing will be set within 10 days after the request is received. The judge cannot sign the Order of Continuing Lien until the hearing is held.

**5. What if I don't agree with what the judgment debtor or garnishee says or don't receive any money?**

You can file an Objection and Request for Hearing and a hearing will be scheduled on your complaint.

**6. What are "earnings?"**

The term "earnings" means compensation owed to an individual for personal services or work performed by that individual for another. This compensation may be called wages, salary, commissions, bonuses or otherwise. "Earnings" include periodic payments made pursuant to a pension or retirement program. "Earnings" become monies upon their payment by the employer to the employee, except payment into a pension or retirement fund. Money in a pension or retirement fund is no longer classified as "earnings" once it is disbursed to the employee.

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PLAINTIFF/CREDITOR:

Street:

City/State/Zip:

Phone:

DEFENDANT/JUDGMENT DEBTOR:

Street:

City/State/Zip:

Phone:

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GARNISHEE:

Street:

City/State/Zip:

Phone:

ATTORNEY OR REPRESENTATIVE:

Case No:

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### APPLICATION FOR WRIT OF GARNISHMENT (EARNINGS)

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1. I was awarded a money judgment or order against \_\_\_\_\_ judgment debtor.
2. I've asked judgment debtor to pay and judgment debtor hasn't paid.
3. The amount owed to date, including interest and costs, is \$ \_\_\_\_\_. (*The cost of serving the Writ will be as stated on the affidavit of service.*)
4. I believe garnishee employs judgment debtor or owes or will owe judgment debtor disposable earnings within 60 days.
5. Garnishee's name and address are as shown above.
6. The statement checked below is true. For a definition of "debt scheduling", see A.R.S. §12-1598(1). (*Check one*)
  - ☐ I wasn't notified that judgment debtor intends to sign an agreement for debt scheduling.
  - ☐ I was notified that judgment debtor intends to sign an agreement for debt scheduling, but I objected timely in writing.
  - ☐ Judgment debtor signed an agreement for debt scheduling, but I was notified that the agreement isn't good anymore.
7. I have attached a completed Summons and Writ of Garnishment form and ask that the Writ be issued.

Date: \_\_\_\_\_

Creditor: \_\_\_\_\_

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Filed By:

Bar Number (if applicable):

Phone:

Representing:

Firm:

Address:

---

PLAINTIFF/CREDITOR:

DEFENDANT/JUDGMENT DEBTOR:

Street:

Street:

City/State/Zip:

City/State/Zip:

Phone:

Phone:

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GARNISHEE:

ATTORNEY OR REPRESENTATIVE:

Street:

City/State/Zip:

Phone:

Case No:

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## WRIT OF GARNISHMENT AND SUMMONS (EARNINGS)

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### WRIT

TO THE SHERIFF, CONSTABLE OR OTHER AUTHORIZED PROCESS SERVER IN \_\_\_\_\_  
COUNTY: You are commanded to summon garnishee named above, who is believed to be in your county,  
to answer the following claims:

#### STATEMENTS OF CREDITOR:

1. Creditor was awarded a judgment or order against \_\_\_\_\_ (*judgment debtor*).
2. The amount due on the judgment or order is \_\_\_\_\_, including accrued interest and allowable costs to date.
  - A. Interest accrues at the rate of \_\_\_\_\_%.
3. The addresses of the plaintiff/creditor, defendant/judgment debtor, garnishee, attorney or representative of garnishee (*if any*) are provided in the caption.
4. Garnishee is believed to employ/have employed the judgment debtor when the summons was delivered;
  - A. Garnishee is believed to owe money (earnings) to judgment debtor in the next 60 days.

(Continued on next page)

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Filed By:

Firm:

Bar Number (*if applicable*):

Address:

Phone:

Representing:

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## SUMMONS AND WRIT OF GARNISHMENT (EARNINGS) *(continued)*

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### WRIT

#### TO THE ABOVE-NAMED GARNISHEE

GARNISHEE SHALL answer in writing, under oath, within ten (10) days after service of the WRIT OF GARNISHMENT upon you, all the following questions:

1. Whether you are the garnishee or are authorized by the garnishee to file the answer;
  2. The judgment debtor's identity has or has not been determined and if unknown, steps taken/tried to find the identity of the judgment debtor;
  3. The judgment debtor was or was not employed by you when the summons was delivered;
  4. The last work day of the judgment debtor if not employed by you when the summons was served;
  5. Whether earnings will be owed to the judgment debtor in the next 60 days;
  6. The dates of the judgment debtor's next two (2) paydays and the length of the pay period (daily, weekly, bi-weekly, semi-monthly, monthly, quarterly, semi-annually, yearly).
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### SUMMONS

A Writ of Garnishment has been issued, naming you as garnishee. You are commanded to answer this WRIT within ten (10) days. If you don't answer, you may be ordered to appear in person to answer the WRIT.

***WARNING: A default judgment may be entered against you, the garnishee, for the full amount shown on the writ, plus attorney fees and costs if you fail to answer the writ within ten (10) days.***

**DO NOT SEND ANY MONEY UNTIL YOU RECEIVE A COURT ORDER TELLING YOU TO DO SO.**

Date: \_\_\_\_\_

\_\_\_\_\_  
Justice of the Peace/Clerk/Commissioner

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PLAINTIFF/CREDITOR:

Street:

City/State/Zip:

Phone:

DEFENDANT/JUDGMENT DEBTOR:

Street:

City/State/Zip:

Phone:

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GARNISHEE:

Street:

City/State/Zip:

Phone:

ATTORNEY OR REPRESENTATIVE:

Case No:

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## APPLICATION AND ORDER OF CONTINUING LIEN (GARNISHMENT)

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### APPLICATION FOR ORDER OF CONTINUING LIEN

I am the creditor in this case. I want the court to issue an Order of Continuing Lien for this garnishee. The Writ has been issued and Garnishee has filed an Answer. It appears from the Answer that:

*(Check all that apply)*

- ☐ Judgment debtor is or was an employee of garnishee.
- ☐ Garnishee owed earnings to judgment debtor when the Writ was served.
- ☐ Earnings would be owed within 60 days after Writ was served.
- ☐ Garnishee failed to answer or appear to object to the Writ within the time regulated by law. An order to show cause hearing was held on \_\_\_\_\_. I should have judgment for \$ \_\_\_\_\_.
- ☐ I am entitled to \$ \_\_\_\_\_ for the cost of issuing the Writ as stated on the affidavit of service.

No timely written objections have been filed or any objections have been overruled.

Delivered to Garnishee:

Date: \_\_\_\_\_ Time: \_\_\_\_\_

☐ Mail ☐ Personal Service

Delivered to Judgment Debtor

Date: \_\_\_\_\_ Time: \_\_\_\_\_

☐ Mail ☐ Personal Service

Date: \_\_\_\_\_

Creditor: \_\_\_\_\_

*(continued on next page)*

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Filed By:

Bar Number (if applicable):

Phone:

Representing:

Firm:

Address:

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**APPLICATION AND ORDER OF CONTINUING LIEN** *(continued)*

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**ORDER OF CONTINUING LIEN**

1. This application is approved. Until garnishee is discharged by order of this court, the garnishment shall be a continuing lien against the nonexempt earnings of judgment debtor as follows:

*(Check one)*

- ☐ All nonexempt earnings shall be withheld by garnishee and must be transferred to the creditor.
- ☐ Judgment debtor is subject to the maximum disposable earnings provision of A.R.S. §33-1131 and there is clear and convincing evidence that the judgment debtor or his family would suffer extreme economic hardship as a result of the garnishment. The amount of disposable earnings to be withheld and transferred to the creditor is reduced to \_\_\_\_\_% (not less than 15%).

2. Garnishee is awarded \$ \_\_\_\_\_ for costs or attorneys' fees incurred in answering the Writ of Garnishment, said amount to be paid by judgment debtor. The cost of service and the cost of issuance of the Writ totaling \$ \_\_\_\_\_ are taxed against judgment debtor.

Date: \_\_\_\_\_

Judge: \_\_\_\_\_



## INSTRUCTIONS TO GARNISHEE (EARNINGS)

A.R.S. §12-1598 to 12-1598.17

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You are the Garnishee in this case. You have received the following:

1. Summons and Writ of Garnishment (*identifies the parties and reasons for garnishment*).
2. Judgment or Order (*what judgment debtor owes creditor*).
3. Garnishee's Answer form (*for your response to the garnishment*).
4. Second Notice to Judgment Debtor of Garnishment.
5. Second Hearing Request and Notice of Hearing on Garnishment.
6. Garnishee's Nonexempt Earnings Statement form (*to calculate how much can be withheld*).
7. Hearing Request and Notice of Hearing on Garnishment Earnings Statement (*for judgment debtor to object to statement*).

### WHAT YOU MUST DO

While the continuing lien is in effect, **Garnishee may deduct from the nonexempt earnings of the judgment debtor** the amount of \$5.00 each pay period as a fee for preparing and delivering the nonexempt earnings statement.

**Withhold proper amounts immediately** from judgment debtor's wages, but don't send any money to creditor until you receive instructions from court (*Order of Continuing Lien*).

**File your Answer** with the court within 10 days and deliver copies to creditor (*with item six (6) above*) and judgment debtor (*with items 4-7 above*). Deliver personally, by first class mail or use process server. Be sure to show on the Answer the date and manner of delivery of the copies to judgment debtor and creditor.

### COMPLETING THE NONEXEMPT EARNINGS STATEMENT

1. You'll need to make more copies of the appropriate Garnishee's Nonexempt Earnings Statement form, since it must be filled out each pay period. You may get copies of these forms from the creditor.
2. Each pay period you must calculate how much of employee's earnings is to be withheld and attach a copy of the complete form to the judgment debtor's and creditor's checks.

### OBJECTIONS AND HEARINGS

The judgment debtor can object to the garnishment, your Answer and the nonexempt earnings statement. The creditor can object if you don't send a nonexempt earnings statement to the creditor. In each case, a hearing may be requested and the court will inform all parties of the hearing date. You must attend the hearing if there is an objection involving the nonexempt earnings statement. You may attend the hearing on any other objection.

## WITHHOLDING AND PAYING AMOUNTS TO CREDITOR

1. You aren't liable to the creditor for failing to withhold earnings which are paid to judgment debtor within 3 days after you receive the Summons and Writ of Garnishment.
2. Once you receive the Order of Continuing Lien, the garnishment will continue until one of the following occurs:
  - A. Judgment debtor leaves your employment for more than 60 days.
  - B. The judgment is satisfied (*you will receive notice from the creditor or court*).
  - C. Creditor releases the garnishment.
  - D. Judgment debtor has not earned any nonexempt earnings for at least 60 days.
  - E. Proceedings are "stayed" for some reason (*bankruptcy, for example*).
  - F. The court cancels the garnishment.
3. When ordered to do so, send all payment directly to the creditor - not to the court.

## ORDER OF CONTINUING LIEN NOT ENTERED

If no objections are filed to your Answer and an Order of Continuing Lien is not entered within 45 days after your Answer, then earnings held shall be released to judgment debtor and garnishee will be discharged from any liability on the garnishment.

## MORE THAN ONE GARNISHMENT

Garnishments which are for support of a person take priority over other garnishments. If your employee has more than one garnishment and after the first garnishment, there are not more nonexempt earnings available, after two consecutive paydays the second garnishment is invalid. You are to inform the creditor if this happens.

## IMPORTANT REMINDERS

1. **You have only 10 days** from the date you get the Writ to file an Answer with the court.
2. **Do not release any money** to the creditor until you get an order from the court.
3. Once you receive the Order of Continuing Lien, do not send money to the court. Send the money directly to the creditor.
4. **Attach a Nonexempt Earnings Statement to each payment** to the judgment debtor and creditor.

**WARNING:** *If you fail to comply with these requirements, the court may find you in contempt and can award the total amount of the judgment and up to \$400.00 in damages against you. An employee can't be terminated because the employee's wages are being garnished.*

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PLAINTIFF/CREDITOR:

Street:

City/State/Zip:

Phone:

DEFENDANT/JUDGMENT DEBTOR:

Street:

City/State/Zip:

Phone:

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GARNISHEE:

Street:

City/State/Zip:

Phone:

ATTORNEY OR REPRESENTATIVE:

Case No:

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**GARNISHEE'S ANSWER (EARNINGS)**

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1. I am the garnishee or am authorized by the garnishee to file this answer.
2. The following are true: *(Circle correct information in each statement)*
  - A. I (have) (have not) determined the judgment debtor's identity. If not known, I tried to find out who judgment debtor is by:
  - B. Judgment debtor (was) (was not) employed by me when the summons was delivered. If not, the last workday was \_\_\_\_\_.
  - C. I (will) (will not) owe judgment debtor earnings in the next 60 days.
3. \$ \_\_\_\_\_ is the total amount owed creditor, according to the Writ.
4. The judgment debtor's next two paydays are \_\_\_\_\_ and \_\_\_\_\_. The pay period is \_\_\_\_\_.
5. I've attached copies of any garnishments, wage assignments or levies pending against judgment debtor.
6. I request an answer fee in the amount of \$ \_\_\_\_\_.

*(continued on next page)*

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**GARNISHEE'S ANSWER (EARNINGS)** *(continued)*

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Delivered to Judgment Debtor:  
Date:                      Time:

☐ Mail    ☐ Personal Service

Delivered to Creditor:  
Date:                      Time:

☐ Mail    ☐ Personal Service

Garnishee \_\_\_\_\_

SUBSCRIBED AND SWORN TO before me on \_\_\_\_\_

My commission expires \_\_\_\_\_

\_\_\_\_\_  
Notary Public/Deputy Clerk

---

PLAINTIFF/CREDITOR:

Street:

City/State/Zip:

Phone:

---

DEFENDANT/JUDGMENT DEBTOR:

Street:

City/State/Zip:

Phone:

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GARNISHEE:

Street:

City/State/Zip:

Phone:

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ATTORNEY OR REPRESENTATIVE:

Case No:

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## FIRST NOTICE TO JUDGMENT DEBTOR OF GARNISHMENT (EARNINGS)

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### AVISO

EL TRIBUNAL HA ORDENADO QUE SU EMPLEADOR TOME UNA PARTE DE SU SUELDO Y QUE PAGUE A SU ACREEDOR HASTA TERMINADO EL PROCESO EN CONTRA SUYA Y ESTE PAGADA LA DUEDA. EN CONFORMIDAD CON LA LEY, SU ACREEDO TIENE EL DERECHO A "SOLO UNA PARTE" DE SU SALARIO. A CONTINUACION FIGURA UNA EXPLICACION DE SU DERECHOS. UD. PUEDE OBTENER UNA TRADUCCION ESPANOL DEL TRIBUNAL.

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### NOTICE

The creditor named above says you haven't paid what you owe on the attached judgment or order. At the creditor's request, this court issued a Writ of Garnishment (attached) to the garnishee named above. The writ says you earned or will earn money working for garnishee.

If ordered to do so by the court, garnishee will start taking out part of the money he owes you and will pay it to creditor. This will happen with every paycheck until the judgment is paid or until the court orders garnishee to stop. Garnishee will withhold only part of each paycheck, if any, depending on how much you earn. On each payday, you will get a statement which shows how much can be taken out, which is set by state and federal law.

If you don't agree, you can ask for a hearing for the reasons listed on the hearing request form (attached). If you want a hearing, fill out the hearing request form and deliver it to the court. You must also send a photocopy or handwritten copy of the hearing request form to the garnishee and creditor at the addresses shown above. You may be required to pay a fee for the hearing or request a waiver of the fee.

A hearing will be set within 10 days after the request is filed. The court will let you, the garnishee and the creditor know when and where the hearing will be held.

If you don't ask for a hearing now, you will have another chance within 10 days after you get a copy of garnishee's answer. You should get a copy of the answer and another notice and hearing request form soon.

***Please read this carefully to understand your rights and what you have to do.***

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PLAINTIFF/CREDITOR:

DEFENDANT/JUDGMENT DEBTOR:

Street:

Street:

City/State/Zip:

City/State/Zip:

Phone:

Phone:

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GARNISHEE:

ATTORNEY OR REPRESENTATIVE:

Street:

City/State/Zip:

Phone:

Case No:

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## SECOND NOTICE TO JUDGMENT DEBTOR OF GARNISHMENT (EARNINGS)

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### AVISO

EL TRIBUNAL HA ORDENADO QUE SU EMPLEADOR TOME UNA PARTE DE SU SUELDO Y QUE PAGUE A SU ACREEDOR HASTA TERMINADO EL PROCESO EN CONTRA SUYA Y ESTE PAGADA LA DUEDA. EN CONFORMIDAD CON LA LEY, SU ACREEDO TIENE EL DERECHO A "SOLO UNA PARTE" DE SU SALARIO. A CONTINUACION FIGURA UNA EXPLICACION DE SU DERECHOS. UD. PUEDE OBTENER UNA TRADUCCION ESPANOL DEL TRIBUNAL.

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### NOTICE

This is your second notice that a Writ of Garnishment has been issued to the garnishee named above. The writ is a court order that requires garnishee to take part of the money owed to you and pay it to creditor. This will happen with every paycheck until the judgment is paid or the court orders garnishee to stop.

Garnishee can only withhold part, if any, of each paycheck, depending on how much you earn. The rest must be paid to you. On each payday, you will get a statement showing how much can be taken out, which is set by state and federal law.

You have the right to ask for a hearing for any of the reasons listed on the attached Hearing Request form. To ask for a hearing, complete the Hearing Request form and deliver it to the court. You must also mail or deliver a copy of the form to the garnishee and the creditor or his attorney at the addresses above. You may be required to pay a fee for the hearing or request a waiver of the fee.

***WARNING: If you want a hearing now, you must file a hearing request within 10 days from the date you got this notice.***

You can't object to the amount withheld from your next paycheck if you don't ask for a hearing within 10 days, unless you have good cause for being late. You can still ask for a hearing later on future withholdings, if you think too much money is being taken out. **If you ask for a hearing, it will be held within 10 days after the court gets your request.**

**Please read this carefully to understand your rights and what you have to do. You should also read the copy of garnishee's answer that you received with this notice.**

---

PLAINTIFF/CREDITOR:

Street:

City/State/Zip:

Phone:

DEFENDANT/JUDGMENT DEBTOR:

Street:

City/State/Zip:

Phone:

---

GARNISHEE:

Street:

City/State/Zip:

Phone:

ATTORNEY OR REPRESENTATIVE:

Case No:

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## FIRST HEARING REQUEST AND NOTICE OF HEARING ON GARNISHMENT (EARNINGS)

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### HEARING REQUEST

I am the judgment debtor in this action. I want a hearing on the garnishment of my earnings from this garnishee because:

*(Check all that apply)*

- ☐ On my normal payday, I received no earnings (paycheck).
- ☐ I didn't get a copy of the nonexempt earnings statement with my paycheck.
- ☐ Creditor doesn't have a valid judgment against me because \_\_\_\_\_.
- ☐ The judgment has been paid.
- ☐ I didn't get the Second Notice to Judgment Debtor and Request for Hearing forms **within 10 days**.
- ☐ Answer was not filed within 10 days.
- ☐ Creditor's debt is subject to a qualified debt scheduling agreement with \_\_\_\_\_.
- ☐ I hereby certify that I mailed a copy of this Hearing Request and Notice of Hearing on Garnishment to the creditor and garnishee.

You can call me at \_\_\_\_\_ between 8 a.m. and 5 p.m. to schedule the hearing.  
(phone)

Date: \_\_\_\_\_

Judgment Debtor: \_\_\_\_\_

*(continued on next page)*

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**FIRST HEARING REQUEST AND NOTICE OF HEARING ON  
GARNISHMENT (EARNINGS)** *(continued)*

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**NOTICE OF HEARING DATE**

Hearing is set for \_\_\_\_\_ on \_\_\_\_\_ at the court above.  
*(time)**(date)*

Date: \_\_\_\_\_ Clerk/Commissioner: \_\_\_\_\_



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PLAINTIFF/CREDITOR:

Street:

City/State/Zip:

Phone:

DEFENDANT/JUDGMENT DEBTOR:

Street:

City/State/Zip:

Phone:

---

GARNISHEE:

Street:

City/State/Zip:

Phone:

ATTORNEY OR REPRESENTATIVE:

Case No:

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## SECOND HEARING REQUEST AND NOTICE OF HEARING ON GARNISHMENT (EARNINGS)

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### HEARING REQUEST

I am the judgment debtor in this action. I want a hearing on the garnishment of my earnings from this garnishee because:

*(Check all that apply)*

- ☐ Creditor doesn't have a valid judgment against me because \_\_\_\_\_.
- ☐ The judgment has been paid.
- ☐ Garnishee's answer is not correct or wasn't received.
- ☐ My earnings are already subject to a Writ of Garnishment or court ordered assignment for payment of support.
- ☐ Creditor's debt is subject to a debt scheduling agreement.
- ☐ Other: \_\_\_\_\_
- ☐ I hereby certify that I mailed a copy of this Hearing Request and Notice of Hearing on Garnishment to the creditor and garnishee.

You can call me at \_\_\_\_\_ between 8 a.m. and 5 p.m. to schedule the hearing.  
(phone)

Date: \_\_\_\_\_ Judgment Debtor: \_\_\_\_\_

*(continued on next page)*

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Filed By:

Bar Number (if applicable):

Phone:

Representing:

Firm:

Address:

## NOTICE OF HEARING DATE

Hearing is set for \_\_\_\_\_ on \_\_\_\_\_ at the court above.  
*(time)**(date)*

Date: \_\_\_\_\_ Clerk/Commissioner: \_\_\_\_\_

Date: \_\_\_\_\_ Clerk/Commissioner: \_\_\_\_\_

PLAINTIFF/CREDITOR:

Street:

City/State/Zip:

Phone:

DEFENDANT/JUDGMENT DEBTOR:

Street:

City/State/Zip:

Phone:

GARNISHEE:

Street:

City/State/Zip:

Phone:

ATTORNEY OR REPRESENTATIVE:

Case No:

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**GARNISHEE'S NONEXEMPT EARNINGS STATEMENT (NOT FOR SUPPORT)**

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**PAY PERIOD** \_\_\_\_\_ to \_\_\_\_\_. Judgment debtor employed now? ☐ Yes ☐ No

If no, what was the last date for which earnings were owed? \_\_\_\_\_

**INSTRUCTIONS:** You are required to withhold a portion of judgment debtor's disposable earnings. To determine the amount to withhold, complete the calculations below and sign and date this form at the bottom. A copy of this statement and a hearing request form must accompany each payment to judgment debtor and creditor. You are entitled to a \$5.00 fee for completing this form.

Gross earnings ..... (1) \$ \_\_\_\_\_

Disposable earnings (gross minus deductions required by law) ..... (2) \$ \_\_\_\_\_

25%, or such other amount not less than 15% as ordered by court, of line (2) ..... (3) \$ \_\_\_\_\_

Judgment debtor's pay period: *(Check one)*

☐ Weekly (30 x minimum wage)

☐ Biweekly (60 x minimum wage)

☐ Semimonthly (65 x minimum wage)

☐ Monthly (130 x minimum wage)

Federal minimum wage: \$ \_\_\_\_\_/hr. Multiply federal minimum hourly wage by factor for judgment debtor's pay period. Enter total ..... (4) \$ \_\_\_\_\_

*(continued on next page)*

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Filed By:

Bar Number (if applicable):

Phone:

Representing:

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Firm:

Address:

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**GARNISHEE'S NONEXEMPT EARNINGS STATEMENT (NOT FOR SUPPORT)**  
(continued)

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Subtract line (4) from line (2) and enter total here . . . . . (5) \$ \_\_\_\_\_

Amount from line (3) or line (5), whichever is smaller . . . . . (6) \$ \_\_\_\_\_

Amount withheld for other court-ordered assignment for support or garnishment  
or levy for collection of taxes . . . . . (7) \$ \_\_\_\_\_

Subtract line (7) from line (6) and enter balance, less \$5 fee . . . . . (8) \$

This is the amount you withhold immediately. You should send the amount to the judgment creditor after you have received the signed order.

Date: \_\_\_\_\_

Garnishee: \_\_\_\_\_

PLAINTIFF/CREDITOR:

Street:

City/State/Zip:

Phone:

DEFENDANT/JUDGMENT DEBTOR:

Street:

City/State/Zip:

Phone:

GARNISHEE:

Street:

City/State/Zip:

Phone:

ATTORNEY OR REPRESENTATIVE:

Case No:

---

**GARNISHEE'S NONEXEMPT EARNINGS STATEMENT (SUPPORT JUDGMENT)**

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**PAY PERIOD** \_\_\_\_\_ to \_\_\_\_\_. Judgment debtor employed now? ☐ Yes ☐ No

If no, what was the last date for which earnings were owed? \_\_\_\_\_

**INSTRUCTIONS:** You are required to withhold a portion of judgment debtor's disposable earnings. To determine the amount to withhold, complete the calculations below and sign and date this form at the bottom. A copy of this statement and a hearing request form must accompany each payment to judgment debtor and creditor. You are entitled to a \$5.00 fee for completing this form.

Gross earnings ..... (1) \$ \_\_\_\_\_

Disposable earnings (gross minus deductions required by law) ..... (2) \$ \_\_\_\_\_

50%, of line (2) ..... (3) \$ \_\_\_\_\_

Amount withheld for other court-ordered assignment for support or garnishment  
or levy for collection of taxes ..... (4) \$ \_\_\_\_\_

Subtract line (4) from line (3) and enter balance, less \$5 fee ..... (5) \$  

**This is the amount you withhold and send to creditor.**

Date: \_\_\_\_\_ Garnishee: \_\_\_\_\_

---

Filed By:

Bar Number (if applicable):

Phone:

Representing:

Firm:

Address:

PLAINTIFF/CREDITOR:

DEFENDANT/JUDGMENT DEBTOR:

Street:

Street:

City/State/Zip:

City/State/Zip:

Phone:

Phone:

GARNISHEE:

ATTORNEY OR REPRESENTATIVE:

Street:

City/State/Zip:

Phone:

Case No:

### GARNISHEE'S NONEXEMPT EARNINGS STATEMENT (TAX JUDGMENT)

**PAY PERIOD** \_\_\_\_\_ to \_\_\_\_\_. Judgment debtor employed now? ☐ Yes ☐ No

If no, what was the last date for which earnings were owed? \_\_\_\_\_

**INSTRUCTIONS:** You are required to withhold a portion of judgment debtor's disposable earnings. To determine the amount to withhold, complete the calculations below and sign and date this form at the bottom. A copy of this statement and a hearing request form must accompany each payment to judgment debtor and creditor. You are entitled to a \$5.00 fee for completing this form.

Gross earnings ..... (1) \$ \_\_\_\_\_

Disposable earnings (gross minus deductions required by law) ..... (2) \$ \_\_\_\_\_

Amount withheld pursuant to other garnishment or court-ordered assignment for collection of support of a person ..... (3) \$ \_\_\_\_\_

Amount withheld pursuant to earlier garnishment or levy that was not for support of a person ..... (4) \$ \_\_\_\_\_

Add lines (3) and (4) ..... (5) \$ \_\_\_\_\_

Subtract line (5) from line (2) and enter balance, less \$5 fee ..... (6) \$

**This is the amount you withhold and send to creditor.**

Date: \_\_\_\_\_ Garnishee: \_\_\_\_\_

Filed By:

Firm:

Bar Number (if applicable):

Address:

Phone:

Representing:

---

PLAINTIFF/CREDITOR:

Street:

City/State/Zip:

Phone:

DEFENDANT/JUDGMENT DEBTOR:

Street:

City/State/Zip:

Phone:

---

GARNISHEE:

Street:

City/State/Zip:

Phone:

ATTORNEY OR REPRESENTATIVE:

Case No:

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## HEARING REQUEST AND NOTICE OF HEARING ON GARNISHMENT EARNINGS STATEMENT

---

**INSTRUCTIONS:** If you think a Nonexempt Earnings Statement is incorrectly calculated or that no money should be taken out of your check for a particular pay period, you can ask for a hearing within 10 days after you get the statement. To ask for a hearing, fill out the form below, attach a copy of the statement and deliver it to the court and copies to the creditor and the garnishee. A hearing will be set within 10 days and the court will notify all the parties.

### HEARING REQUEST

I am the judgment debtor in this action. I want a hearing on the garnishment of my earnings from this garnishee because:

*(Check all that apply)*

- ☐ The attached Nonexempt Earnings Statement is incorrect because \_\_\_\_\_.
- ☐ Creditor doesn't have a valid judgment against me, because \_\_\_\_\_.
- ☐ The judgment has been paid.
- ☐ Other: \_\_\_\_\_
- ☐ I hereby certify that I mailed a copy of this Hearing Request and Notice of Hearing on Garnishment Earnings Statement to the creditor and garnishee.

Date: \_\_\_\_\_

Judgment Debtor: \_\_\_\_\_

*(continued on next page)*

---

Filed By:

Bar Number (if applicable):

Phone:

Representing:

Firm:

Address:

---

**HEARING REQUEST AND NOTICE OF HEARING ON GARNISHMENT  
EARNINGS STATEMENT** *(continued)*

---

**NOTICE OF HEARING DATE**

Hearing is set for \_\_\_\_\_ on \_\_\_\_\_ at the court above.  
*(time)**(date)*

Date: \_\_\_\_\_ Clerk/Commissioner: \_\_\_\_\_



---

PLAINTIFF/CREDITOR:

Street:

City/State/Zip:

Phone:

DEFENDANT/JUDGMENT DEBTOR:

Street:

City/State/Zip:

Phone:

---

GARNISHEE:

Street:

City/State/Zip:

Phone:

ATTORNEY OR REPRESENTATIVE:

Case No:

---

### CREDITOR'S GARNISHMENT REPORT (EARNINGS)

---

Instructions: Creditor is required to complete this report and send it to the judgment debtor and garnishee within 21 days after the end of each calendar quarter and when the balance due is less than double the amount of nonexempt earnings received in the last two pay periods. Creditor shall also issue a report within 21 days after the balance is reduced to \$500 or less and, after that, before the 10th of each month as long as the Order of Continuing Lien is in effect.

1. This report covers the period from \_\_\_\_\_ to \_\_\_\_\_.
2. I received these payments during this period: *(attach list if necessary)*

DATE

AMOUNT

3. Judgment balance at beginning of period ..... \$ \_\_\_\_\_
4. Total credited to the judgment balance ..... \$ \_\_\_\_\_
5. Interest accrued during this period ..... \$ \_\_\_\_\_
6. Total outstanding balance of the judgment ..... \$ \_\_\_\_\_

*(continued on next page)*

---

Filed By:

Bar Number (if applicable):

Phone:

Representing:

Firm:

Address:

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**CREDITOR'S GARNISHMENT REPORT (EARNINGS)**  
(continued)

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7. The following statements apply if checked:

- ☐ Balance due is \$500 or less.
- ☐ Balance due is less than double the amount received in the last two pay periods.
- ☐ Garnishee should stop withholding earnings.

Delivered to Judgment Debtor:

Date: \_\_\_\_\_ Time: \_\_\_\_\_

☐ Mail    ☐ Personal Service

Delivered to Garnishee:

Date: \_\_\_\_\_ Time: \_\_\_\_\_

☐ Mail    ☐ Personal Service

Date: \_\_\_\_\_

Creditor: \_\_\_\_\_

---

PLAINTIFF/CREDITOR:

Street:

City/State/Zip:

Phone:

---

DEFENDANT/JUDGMENT DEBTOR:

Street:

City/State/Zip:

Phone:

---

GARNISHEE:

Street:

City/State/Zip:

Phone:

---

ATTORNEY OR REPRESENTATIVE:

Account No.:

Case No.:

---

## OBJECTION, HEARING REQUEST AND NOTICE OF HEARING (GARNISHMENT)

---

### OBJECTION AND HEARING REQUEST

I am the ☐ Creditor ☐ Judgment Debtor ☐ Garnishee (*check one*) in this action. I object and want a hearing because:

*Check all that apply:*

☐ The Writ of Garnishment is incorrect.

☐ The Answer is incorrect.

☐ The Nonexempt Earnings Statement is incorrect.

☐ Garnishee has not turned over any money or property.

☐ Other: \_\_\_\_\_

Delivered to Judgment Debtor:

Date: \_\_\_\_\_ Time: \_\_\_\_\_

☐ Mail

☐ Personal Services

Delivered to Creditor:

Date: \_\_\_\_\_ Time: \_\_\_\_\_

☐ Mail

☐ Personal Services

Delivered to Garnishee:

Date: \_\_\_\_\_ Time: \_\_\_\_\_

☐ Mail

☐ Personal Services

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

(continued on next page)

---

Filed By:

Bar Number (*if applicable*)

Phone:

Representing:

---

Firm:

Address:

**OBJECTION, HEARING REQUEST AND NOTICE OF HEARING  
(GARNISHMENT) (continued)**

## NOTICE OF HEARING DATE

Hearing is set for \_\_\_\_\_ on \_\_\_\_\_ at the court above.

Date: \_\_\_\_\_ Clerk/Commissioner: \_\_\_\_\_

---

PLAINTIFF/CREDITOR:

Street:

City/State/Zip:

Phone:

---

DEFENDANT/JUDGMENT DEBTOR:

Street:

City/State/Zip:

Phone:

---

GARNISHEE:

Street:

City/State/Zip:

Phone:

---

ATTORNEY OR REPRESENTATIVE:

Case No:

---

## PETITION AND ORDER TO SHOW CAUSE RE: GARNISHEE'S DEFAULT

---

### PETITION

I am the creditor in this action. I want the court to order the garnishee to appear and show cause why judgment should not be entered against the garnishee, in the full amount of judgment against the judgment debtor and why the garnishee should not pay costs of this Petition and Order and attorney's fees. This Petition is based on the following facts:

1. The court issued a Writ of Garnishment to garnishee on \_\_\_\_\_.
2. Garnishee was served on \_\_\_\_\_ and Answer was due \_\_\_\_\_.
3. Answer has not been filed or received by judgment creditor.
4. Judgment debtor owes creditor \$ \_\_\_\_\_.

Date: \_\_\_\_\_

Creditor: \_\_\_\_\_

*(continued on next page)*

---

Filed By:

Bar Number (if applicable):

Phone:

Representing:

---

Firm:

Address:

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**PETITION AND ORDER TO SHOW CAUSE RE GARNISHEE'S DEFAULT**  
*(continued)*

---

**ORDER TO SHOW CAUSE**

Garnishee is ordered to appear in this court at \_\_\_\_\_ on \_\_\_\_\_ to show cause why judgment shouldn't be entered as shown in the above Petition or file an Answer with the court and deliver a copy to the creditor no later than 5 days before the above date.

Date: \_\_\_\_\_

Judge: \_\_\_\_\_

---

PLAINTIFF/CREDITOR:

Street:

City/State/Zip:

Phone:

---

DEFENDANT/JUDGMENT DEBTOR:

Street:

City/State/Zip:

Phone:

---

GARNISHEE:

Street:

City/State/Zip:

Phone:

---

ATTORNEY OR REPRESENTATIVE:

Account No. (*if any*):

Case No:

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## PETITION AND ORDER DISCHARGING GARNISHEE

---

### PETITION FOR RELEASE OF GARNISHEE

I am the creditor in this action. This garnishee should be discharged.

☐ The garnishment judgment or order is satisfied.    ☐ The garnishment judgment or order is not satisfied.

Date: \_\_\_\_\_

Creditor: \_\_\_\_\_

---

---

### ORDER DISCHARGING GARNISHEE

Based on the above, it is ordered that garnishee is discharged.

Date: \_\_\_\_\_

Judge: \_\_\_\_\_

---

Filed By:

Bar Number (if applicable):

Phone:

Representing:

---

Firm:

Address: